

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

INFORMATION

MICHAEL ZANFARDINO, :
a/k/a "Hippy," :

S1 03 Cr. 398 (GBD)

Defendant. :
:

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COUNT ONE

Racketeering Conspiracy

The United States Attorney charges:

At all times relevant to this Information:

The Enterprise

1. MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, and others known and unknown, were members and associates of the Genovese Organized Crime Family of La Cosa Nostra (the "Genovese Family"). The Genovese Family is a criminal organization whose members and associates have engaged in acts of violence, including murder, attempted murder, extortion, robbery, labor racketeering, the financing and making of extortionate extensions of credit, and the collection of extensions of credit through extortionate means (commonly known as "loansharking").

2. The members and associates of the Genovese Family constituted an "enterprise" as that term is defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, which was engaged in, and the activities of which affected, interstate and foreign commerce.

The Genovese Family was an organized criminal group based in New York City that operated in the Southern District of New York and elsewhere, and constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, participated in the operation and management of the enterprise, and under the direction of the leaders of the enterprise, he participated in unlawful activities in furtherance of the conduct of the enterprise's affairs. The Genovese Family was referred to by its members and associates in various ways, including as a "Cosa Nostra," a "Family," and "this thing of ours."

3. The Genovese Family was part of a nationwide criminal organization known by various names, including the "Mafia" and "La Cosa Nostra" ("LCN"), which operated through entities known as "Families." In addition to the Genovese Family, four other families operated in the New York City area, namely, the Luchese Organized Crime Family of LCN, the Colombo Organized Crime Family of LCN, the Bonnano Organized Crime Family of LCN, and the Gambino Organized Crime Family of LCN.

4. The Genovese Family operated through groups of individuals known as "crews" and "regimes." Each crew had as its leader a person known as a "Caporegime," "Capo," or "Captain," and consisted of "made" members, sometimes known as "soldiers," "wiseguys," "friends of ours," and "good fellows." Soldiers were aided in their criminal endeavors by other trusted individuals,

known as "associates," who sometimes were referred to as "connected" or identified as "with" a soldier. Associates participated in the various activities of the crew and its members.

5. Each Capo was responsible for supervising the criminal activities of his crew, and provided soldiers and associates with support and protection. In return, the Capo typically received a share of the illegal earnings of each of his crew's members and associates, which is sometimes known as "tribute."

6. Above the Capos were the highest-ranking members of the Genovese Family. The head of the Genovese Family was known as the "Boss," who was normally assisted by an "Underboss" and a "Consigliere," or counselor. The Boss, Underboss, and Consigliere were responsible for, among other things, setting policy, resolving disputes among members and associates of the Genovese Family, and resolving disputes between members of the Genovese Family and members and associates of other LCN Families. At various times relevant to this Information, members of the Genovese Family were temporarily appointed to serve as Boss, Underboss, Consigliere, or Capo. When this occurred, the member functioned in an "acting" capacity in place of an incarcerated Genovese Family member who continued to hold the official, as opposed to acting, position in the Family. At other times when leaders of the Genovese Family were incarcerated, a panel of

several senior members was convened to oversee and administer the Genovese Family's criminal activities.

7. The Boss (or Acting Boss), Underboss, and Consigliere, or the ruling panel, of the Genovese Family supervised, supported, protected, and disciplined the Capos, soldiers, and associates, and regularly received reports regarding their various activities. In return for their supervision and protection, the Boss (or Acting Boss), Underboss, and Consigliere, or ruling panel members, typically received part of the illegal earnings of each crew.

Purposes of the Enterprise

8. The purposes of the enterprise included the following:

a. Enriching the leaders, members, and associates of the enterprise through, among other things, murder, attempted murder, robbery, theft, gambling, loansharking, the distribution of narcotics, and the extortionate control of businesses, persons, and property, through threats of physical and economic harm;

b. Preserving and augmenting the power, territory and financial profits of the enterprise through murder, intimidation, violence, and threats of physical and economic harm; and

c. Keeping victims and citizens in fear of the enterprise and its leaders, members and associates by identifying the enterprise, its members and associates, with La Cosa Nostra

or the "Mafia", and by committing and threatening to commit physical violence.

Means and Methods of the Enterprise

9. Among the means and methods by which the defendant and other enterprise members and associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. To protect and expand the enterprise's criminal operations, members and associates of the enterprise and their co-racketeers murdered, attempted to murder and threatened to murder persons who threatened the power, reputation and criminal activities of the enterprise, its members and associates, as well as the power, reputation and criminal activities of fellow LCN Families and the members and associates of those Families;

b. Members and associates of the enterprise and their co-racketeers promoted a climate of fear in the community through violence and threats of violence;

c. Members and associates of the enterprise and their co-racketeers generated income for the enterprise through, among other things, extortion, loansharking, gambling, theft, robbery, and the distribution of narcotics;

d. Members and associates of the enterprise and their co-racketeers at times engaged in criminal conduct, and coordinated their criminal activities, with leaders, members, and associates of other LCN Families;

e. Members and associates of the enterprise and their co-racketeers attempted to identify and identified individuals suspected of providing, or likely to provide, to law enforcement information about the enterprise, its members and associates, and their criminal activities;

f. Members and associates of the enterprise, their agents and their co-racketeers discouraged individuals from providing testimony or information to law enforcement about the enterprise, its members and associates, and its criminal activities, by using threats of violence, monetary payments, or both; and

g. So as to avoid law enforcement scrutiny of the enterprise's criminal activities, members and associates of the enterprise and their co-racketeers conducted meetings surreptitiously, at diners, restaurants and outdoor spaces, at times engaging in "walk and talks," and typically using coded and abbreviated language.

The Racketeering Conspiracy

10. From in or about 1990, up to and including in or about April 2003, in the Southern District of New York and elsewhere, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 9 above, namely, the Genovese Family, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, willfully, and

knowingly combined, conspired, confederated, and agreed together and with each other to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), though the commission of the following racketeering acts, set forth more fully in paragraphs 11 through 16 below, as Racketeering Acts One through Five. It was part of the conspiracy that the defendant agreed that a co-conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

The Pattern of Racketeering

11. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

Racketeering Act One:
Attempted Murder of Darin Mazzarella

12. It was a part of the pattern of racketeering activity that on or about June 20, 1995, in the Southern District of New York, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, unlawfully, willfully and knowingly attempted to murder Darin Mazzarella, to wit, ZANFARDINO fired nine gunshots into Mazzarella's mid-section, in violation of New York State Penal Law, Sections 110.00 and 125.25.

Racketeering Act Two:
Attempted Murder of Armond Dragone

13. It was a part of the pattern of racketeering activity that on or about April 7, 1990, in the Southern District of New York, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, unlawfully, willfully and knowingly attempted to murder Armond Dragone, to wit, ZANFARDINO fired five gunshots into Dragone's head and chest, in violation of New York State Penal Law, Sections 110.00 and 125.25.

Racketeering Act Three:
Conspiracy to Extort Club on Commerce Avenue

14. It was a part of the pattern of racketeering activity that from in or about 1997, up to and including in or about 1999, in the Southern District of New York, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the proprietors of a nightclub on Commerce Avenue in the Bronx, New York, which consent would have been, and was, induced by the wrongful use of actual and threatened force, violence and fear, and thereby would and did obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

Racketeering Act Four:
Conspiracy to Extort Club on Dean Avenue

15. It was a part of the pattern of racketeering activity that in or about the Fall of 2000, in the Southern District of New York, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the proprietors of a nightclub on or near Dean Avenue in the Bronx, New York, which consent would have been, and was, induced by the wrongful use of actual and threatened force, violence and fear, and thereby would and did obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

Racketeering Act Five:
Conspiracy to Extort Circle Rubbish
Recycling, Inc., at Hunts Point Terminal Market

16. It was a part of the pattern of racketeering activity that from in or about January 2001, up to and including in or about April 2003, in the Southern District of New York and elsewhere, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money

and property from and with the consent of another person, to wit, the owner and operator of Circle Rubbish Removal, Inc., sometimes referred to as Circle Rubbish of New York, a waste-disposal business that, from on or about March 5, 2001 up to at least in or about April 2003, has been the exclusive provider of garbage-hauling and street-sweeping services at the Hunts Point Terminal Market in the Bronx, New York, which consent would have been, and was, induced by the wrongful use of actual and threatened force, violence and fear, and thereby would and did obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO

Conspiracy to Extort Club on Commerce Avenue

The United States Attorney further charges:

17. From in or about 1997, up to and including in or about 1999, in the Southern District of New York, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the proprietors of a nightclub on Commerce Avenue in the Bronx, New York, which consent would have been, and was, induced by the

wrongful use of actual and threatened force, violence and fear, and thereby would and did obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT THREE

Possession of Firearm During
Extortion of Club on Commerce Avenue

The United States Attorney further charges:

20. In or about 1998, in the Southern District of New York, MICHAEL ZANFARDINO, a/k/a "Hippy," the defendant, unlawfully, wilfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, used and carried a firearm, and possessed a firearm in furtherance of such crime, to wit, ZANFARDINO did use, carry and possess a firearm in furtherance of the extortion conspiracy charged in Count Two of this Information.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

DAVID N. KELLEY
United States Attorney